

**PUBLIC SAFETY
AND
LEGAL ADMINISTRATION COMMITTEE**

AGENDA

MAY 9, 2006

A. ADOPTION OF AGENDA

B. APPROVAL OF MINUTES

CONSENT

C. RESOLUTIONS

Claims with favorable recommendations:

- 06-R-0994 (1) Claim of **Steve Bogues**, for vehicular damages alleged to have been sustained from an automobile accident on January 10, 2006 at Interstate 85 and Old National Highway. **\$2,375.12**
- 06-R-0995 (2) Claim of **Jill Morton and Andy Morton**, for damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on February 12, 2006 at 3315 Roswell Road. **\$1,987.36**
- 06-R-0996 (3) Claim of **David N. Couture**, for damages alleged to have been sustained as a result of a log falling from a city vehicle on December 29, 2005 at 876 Lullwater Road. **\$1,244.05**
- 06-R-0997 (4) Claim of **Adam Black and Laura M. Black**, for vehicular damages alleged to have been sustained after driving over a storm drain that was below the level of the street causing a pothole on June 30, 2005 at Marietta Street, NW and Centennial Olympic Park Boulevard. **\$840.63**
- 06-R-0998 (5) Claim of **Deanna Garrod and Charles E. Garrod**, for damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on January 9, 2006 at 14th Street and Holly Street. **\$646.40**

Public Safety and Legal Administration Committee Agenda
May 9, 2006
Page Two

RESOLUTIONS CONT'D

Claims with unfavorable recommendations:

- 06-R-0999 (6) Claim of **Stella Johnson**, for damages alleged to have been sustained as a result of a construction vehicle hitting her mailbox in September 2003 at 102 Fairburn Road, SW.
- 06-R-1000 (7) Claim of **Shenita Sheppard**, for damages alleged to have been sustained as a result of an arrest on October 29, 2005 at 1594 Bridgeport Drive, NW.
- 06-R-1001 (8) Claim of **Marvic F. Magayanes**, for damages alleged to have been sustained as a result of striking an unsecured water valve cover on September 12, 2005 on Union Road.
- 06-R-1002 (9) Claim of **Sonya R. Johnson**, for damages alleged to have been sustained as a result of striking a metal plate on September 9, 2005 at 921 Peachtree Street, NE.
- 06-R-1003 (10) Claim of **Samuel Battle, Jr.**, for damages alleged to have been sustained as a result of rocks falling from a city vehicle on November 8, 2005 at Interstate 20 Westbound at Martin Luther King, Jr. exit.
- 06-R-1004 (11) Claim of **Steve Reynolds**, for damages alleged to have been sustained as a result of striking a pothole on February 25, 2005 at 1700 Marietta Boulevard, NW.
- 06-R-1005 (12) Claim of **Alidrey Bird**, for vehicular damages alleged to have been sustained due to a pothole in the road on May 16, 2002 on 14th Street and Crescent Avenue.
- 06-R-1006 (13) Claim of **Emma Devoe**, for damages alleged to have been sustained as a result of a slip and fall incident on February 11, 2006 at the Atlanta Civic Center at 395 Piedmont Avenue, NE.
- 06-R-1007 (14) Claim of **Martha Huggins, through her attorney, Jodi D. Mount**, for damages alleged to have been sustained as a result of the Owner-Occupied Rehabilitation Program on April 22, 2005 at 1986 Dodson Drive.

Public Safety and Legal Administration Committee Agenda
May 9, 2006
Page Three

RESOLUTIONS CONT'D

Claims with unfavorable recommendations:

- 06-R-1008 (15) Claim of **Stacy Clubb**, for damages alleged to have been sustained as a result of a pothole on January 16, 2006 at Turman Road near Peachtree Industrial Boulevard, Gwinnett County.
- 06-R-1009 (16) Claim of **Kemper Auto and Home, as subrogee of Dewey Merritt**, for damages alleged to have been sustained as a result of a vehicular accident on November 23, 2005 at 430 Boulevard, NE.
- 06-R-1010 (17) Claim of **Mattie Davis**, for damages alleged to have been sustained as a result of an automobile accident on March 3, 2006 at 2372 Cross Street, NW.
- 06-R-1011 (18) Claim of **John H. Colsman**, for damages alleged to have been sustained from a sewer backup on October 9, 2003 at 155 Lynhurst Drive, SW.
- 06-R-1012 (19) Claim of **Kyle Ryan Leer**, for vehicular damages alleged to have been sustained due to a pothole on July 1, 2004 at Lenox Road, NE.
- 06-R-1013 (20) Claim of **State Farm Insurance, as subrogee of Annette Moody**, for damages alleged to have been sustained as a result of a flooding from a sewer backup on March 31, 2005 at 3583 Eisenhower Circle.
- 06-R-1014 (21) Claim of **Cosby F. Smith**, for damages alleged to have been sustained when an automobile was vandalized on February 4, 2006 at an unspecified location.
- 06-R-1015 (22) Claim of **Kenneth Beal Sutton**, for damages alleged to have been sustained during an arrest on August 16, 2002 at 6000 S. Terminal Parkway.
- 06-R-1016 (23) Claim of **Kimberly K. Lewis**, for damages alleged to have been sustained during the installation of a sewer main in May 2002 at 370 Herrington Drive.

Public Safety and Legal Administration Committee Agenda
May 9, 2006
Page Four

RESOLUTIONS CONT'D

Claims with unfavorable recommendations:

- 06-R-1017 (24) Claim of **William Michael Shelton**, for damages alleged to have been sustained as a result of flooding on May 15, 2003 at 71 17th Street Apartment 1.
- 06-R-1018 (25) Claim of **John Alexander**, for damages alleged to have been sustained as a result of a sewer backup on November 13, 2003 at 27 Howell Drive, SW.
- 06-R-1019 (26) Claim of **Fran Franklin**, for damages alleged to have been sustained as a result of an object falling from a city vehicle on June 4, 2003 on Interstate 75/85.
- 06-R-1020 (27) Claim of **Ro Kwon Park**, for damages alleged to have been sustained as a result of a sewer backup on August 4, 2003 at 2555 Bolton Road, NW.
- 06-R-1021 (28) Claim of **Delores Combs Barrow**, for damages alleged to have been sustained as a result of striking a hole in the roadway on July 15, 2003 on Kingsboro Road, NE.
- 06-R-1022 (29) Claim of **Emma Godfrey**, for damages alleged to have been sustained as a result of striking a sink hole due to a collapsed sewer main on June 17, 2003 at 16 Moury Avenue, SE.
- 06-R-1023 (30) Claim of **Alexia Mathis**, for damages alleged to have been sustained as a result of striking a damaged catch basin on November 17, 2003 at 3676 Stone Road, SW.
- 06-R-1024 (31) Claim of **Jessie and Mary H Jones**, for damages alleged to have been sustained as a result of flooding on May 7, 2003 at 419 Cairo Street, NW.

D. ORDINANCE FOR FIRST READING

- 06-O-0989 (1) An Ordinance by Public Safety and Legal Administration Committee to repeal Chapter 106, Article III, Section 106-86 of the Atlanta City Code in order to eliminate any restriction of street musicians who perform strictly for donations and to resolve any conflicts with Chapter 30, Article XXIII, Division I, Section 30-1401 and Chapter 30, Article XXIII, Division II, Section 30-1426.

Public Safety and Legal Administration Committee Agenda
May 9, 2006
Page Five

REGULAR

E. ORDINANCES FOR SECOND READING

- 06-O-0807 (1) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$144,255.20 for \$72,127.60 from Grant Funds from the United States Department of Justice Bulletproof Vest Partnership and matching funds in the amount of \$72,127.60 from the General Fund Budget; and for other purposes.
- 06-O-0808 (2) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Police, by adding to anticipations and appropriations in the amount of \$48,000.00 for Homeland Security Equipment under the Buffer Zone Protection Program administered by the Georgia Emergency Management Agency; and for other purposes.
- 06-O-0809 (3) An Ordinance by Public Safety and Legal Administration Committee amending the 2006 (Intergovernmental Grant Fund) Budget, Department of Fire, by adding to anticipations and appropriations in the amount of \$350,000.00 for the acquisition of a Chemical, Biological, Radiological, and Nuclear Explosives (CBRNE) Incident Command Vehicle to enhance Mitigation Capabilities of the Atlanta Fire Rescue Department against Terrorist Attacks; and for other purposes.
- 06-O-0966 (4) An Ordinance by Public Safety and Legal Administration Committee to exempt from the Moratorium imposed pursuant to Ordinance #06-O-0206, on the acceptance of new Private Property Vending Applications and on the issuance of Private Property Vending Permits for new Vendors or for new vending locations for existing Vendors, existing Private Property Vendors with valid Vending Permits who have been displaced by the Property Owner from their existing location for reasons beyond the control of the Vendor; and for other purposes.

Public Safety and Legal Administration Committee Agenda
May 9, 2006
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ORDINANCES FOR SECOND READING (CONT'D)

- 06-O-1043 (5) An Ordinance by Councilmember Anne Fauver to waive the provisions of Chapter 10, Article II, Section 10-209 (c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia so as to modify the hours of operation on Monday, June 26, 2006 only, for all licensed establishments authorized to sell alcoholic beverages for on premises consumption; and for other purposes.
- 06-O-1044 (6) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-61(a) and Chapter 162, Article 2, Section 162-34(f) to allow short breaks in service for Taxicabs; to allow the Chief of Police or his designee, discretion to grant further extension for correction slip matters; to repeal conflicting ordinances; and for other purposes.
- 06-O-1045 (7) An Ordinance by Councilmembers H. Lamar Willis and C. T. Martin to amend the Code of Ordinances of the City of Atlanta, Georgia, Chapter 162, Article 2, Section 162-57(a)(3) so as to delete residency requirements for securing or maintaining Vehicle for Hire CPNC's; to repeal conflicting ordinances; and for other purposes.

F. RESOLUTIONS

- 06-R-0992 (1) A Resolution by Public Safety and Legal Administration Committee authorizing the amendment of Resolution 06-R-0316; and for other purposes.
- 06-R-0993 (2) A Resolution by Public Safety and Legal Administration Committee authorizing payment in the amount of \$610,000.00 to Edward J. and Michelle Ann Mills, through their attorney, Randall F. Rogers in settlement of their claims against the City of Atlanta.

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May 9, 2006
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G. PAPERS HELD IN COMMITTEE

- 06-O-0204 (1) An Ordinance by Councilmember Jim Maddox to amend Article XXIV, Sections 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" so as to adopt the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A"; to repeal conflicting Ordinances; and for other purposes. **(Held 1/10/06 for further review) (Work session held 2/22/06)**
- 06-R-0433 (2) Claim of **Robert Colgin**, for damages alleged to have been sustained as a result of flooding on July 9, 2005 at 3340 Chatham Road, NW. **(Referred back by Council 2/20/06) (Held 2/28/06 for further investigation at the request of Councilmember Muller)**
- 06-R-0633 (3) Claim of **Gregory V. Burson, Jr.**, for damages alleged to have been sustained as a result of striking an open construction cut on January 18, 2006 at 832 Pryor Street, SW. **(Held 3/14/06 for further investigation at the request of Councilmember Smith)**
- 06-R-0747 (4) Claim of **Walter D. Branch**, for property damages alleged to have been sustained due to a sewer backup on July 13, 2005 at 3517 Lynfield Drive, SW. **(Held 03/28/06 at the request of Councilmember C. T. Martin)**
- 06-C-0791 (5) A Communication by Councilmembers Natalyn Archibong, District 5, Anne Fauver, District 6, Howard Shook, District 7, Clair Muller, District 8 and Mary Norwood, Post 2-At-Large appointing **Mr. Abe Schear** as a member of the Public Safety and Judicial Facilities Authority for the City of Atlanta. This appointment is for a term of four (4) years, scheduled to begin on the date of Council Confirmation. **(Held 4/25/06 for Mr. Schear to appear before the committee.)**

H. ITEMS NOT ON AGENDA

I. ADJOURNMENT

Entered - 01-24-06 sb

CL 06L0033 - GWENDOLYN BURNS

CLAIM OF: **STEVE BOGUES**
 4816 Candy Cove
 Lithonia, Georgia 30038


06-R -0994

For vehicular damages alleged to have been sustained from an automobile accident on January 10, 2006 at Interstate 85 & Old National Highway.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **STEVE BOGUES** the sum of **\$2,375.12** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained from an automobile accident on January 10, 2006 at Interstate 85 & Old National Highway as is more particularly set forth in the within claim; said sum taken from and charged to account **2H01/529017/T31001**.

APPROVED: **LINDA K. DISANTIS**
 CITY ATTORNEY

BY: 
 JERRY L. DELOACH
 DEPUTY CITY ATTORNEY

CLAIM OF: **JILL MORTON**
ANDY MORTON
155 Northland Ridge Trail
Atlanta, Georgia 30342

06-*R*-0995

For damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on February 12, 2006 at 3315 Roswell Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **JILL MORTON AND ANDY MORTON** the sum of **\$1,987.36** as full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on February 12, 2006 at 3315 Roswell Road as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY


CLAIM OF: **DAVID N. COUTURE**
4305 Reef Road
Marietta, Georgia 30066

For damages alleged to have been sustained as a result of a log falling from a city vehicle on December 29, 2005 at 876 Lullwater Road.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **DAVID N. COUTURE** the sum of **\$1,244.05** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained as a result of a log falling from a city vehicle on December 29, 2005 at 876 Lullwater Road as is more particularly set forth in the within claim; said sum taken from and charged to account **2P01/529017/T31001**.

APPROVED: LINDA K. DISANTIS
CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

06-*R*-0997

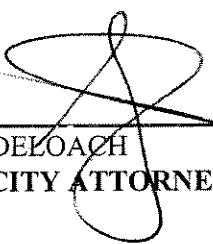
CLAIM OF: **ADAM BLACK**
 LAURA M. BLACK
 90 King Arthur Court
 Dallas, Georgia 30157

For vehicular damages alleged to have been sustained after driving over a storm drain that was below the level of the street causing a pothole on June 30, 2005 at Marietta Street, NW & Centennial Olympic Park Boulevard.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **ADAM BLACK AND LAURA M. BLACK** the sum of **\$840.63** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for vehicular damages alleged to have been sustained after driving over a storm drain that was below the level of the street causing a pothole on June 30, 2005 at Marietta Street, NW & Centennial Olympic Park Boulevard, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **1A01/529017/T31001**.

APPROVED: **LINDA K. DISANTIS**
 CITY ATTORNEY

BY: 
 JERRY L. DELOACH
 DEPUTY CITY ATTORNEY

CLAIM OF: **DEANNA GARROD**
CHARLES E. GARROD
443 Ruff Road
Atlanta, Georgia 30153

06-*R*-0998

For damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on January 9, 2006 at 14th Street & Holly Street.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:**

BE IT RESOLVED by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **DEANNA GARROD AND CHARLES E. GARROD** the sum of **\$646.40** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained when a vehicle drove over a construction plate that was partially covering a construction site on January 9, 2006 at 14th Street & Holly Street as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: **LINDA K. DISANTIS**
CITY ATTORNEY

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 3/22/06 - sb
CL- 06L0209 - Angelena Kelly

06-R-0999

Claim of: Stella Johnson
P.O. Box 82186
Atlanta, GA 30354

For damages alleged to have been sustained as a result of a
construction vehicle hitting her mailbox in September 2003
at 102 Fairburn Road SW.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 2/21/06 - sb
CL- 06L0126 - Angelena Kelly

06-*R*-1000

Claim of: Shenita Sheppard
1594 Bridgeport Drive
Atlanta, GA 30318

For damages alleged to have been sustained as a result of a
an arrest on October 29, 2005 at 1594 Bridgeport Drive
NW.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered 04/07/06 sb
CL 06L0260 – LISA CARTER

06-*R*-1001

CLAIM OF: MARVIC F. MAGAYANES
281 Carrie Drive
Dallas, Georgia 30157

For damages alleged to have been sustained as a
result of striking an unsecured water valve cover on
September 12, 2005 on Union Road.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-8

Entered 03/20/06 sb
CL 06L0205 - LISA CARTER

06- R-1002

CLAIM OF: SONYA R. JOHNSON
5141 Peachtree Street
Atlanta, Georgia 30341

For damages alleged to have been sustained as a
result of striking a metal plate on September 9, 2005
at 921 Peachstreet, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 12/22/05 - sb
CL- 05L01024 - Angelena Kelly

06-*R*-1003

Claim of: Samuel Battle, Jr.
1850 King Alfred Drive, SW
Atlanta, GA 30331

For damages alleged to have been sustained as a result of
rocks falling from a City vehicle on November 8, 2005 at
Interstate 20 Westbound at Martin Luther King, Jr. exit.

THIS ADVERSED REPORT IS APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

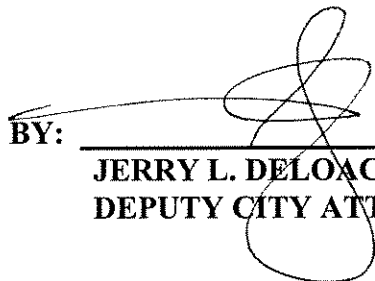
Entered 08/02/05 sb
CL 05L0588 – LISA CARTER

06-*R*-1004

CLAIM OF: STEVE REYNOLDS
285 Ard Place, NW
Atlanta, Georgia 30331

For damages alleged to have been sustained as a
result of striking a pothole on February 25, 2005 at
1700 Marietta Boulevard, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-11

Entered 6-4-02 sb
CL 02L0398 GWENDOLYN BURNS

06-*R*-1005

CLAIM OF: ALIDREY BIRD
808 Verner Street, NW
Atlanta, Georgia 30355

For vehicular damages alledged to have been
sustained due to a pothole in the road on May 16,
2002 on 14th Street & Crescent Avenue.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-12

Entered 03/29/06 sb
CL 06L0235 – LISA CARTER

06-*L*-1006

CLAIM OF: EMMA DEVOE
P. O. Box 291
Oxford, Georgia 30054

For damages alleged to have been sustained as a result of a slip and fall incident on February 11, 2006 at the Atlanta Civic Center at 395 Piedmont Avenue, NE.

THIS ADVERSED REPORT IS
APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 11/02/05 - sb
CL05L0890 - DIANNE C. MITCHELL

06-*ℓ*-1007

CLAIM OF: **MARTHA HUGGINS,**
through her attorney,
Jodi D. Mount
151 Spring Street, NW
Atlanta, Georgia 30303-2097

For damages alleged to have been sustained as a result of
the Owner-Occupied Rehabilitation Program on April 22,
2005 at 1986 Dodson Drive.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-14

Entered - 3/22/06 - sb
CL - 06L0218 - Angelena Kelly

06-R-1008

Claim of: Stacy Clubb
3539 Benthollow Lane
Duluth, GA 30096

For damages alleged to have been sustained as a result of a pothole on January 16, 2006 at Turman Road near Peachtree Industrial Boulevard, Gwinnett County.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-15

Entered - 3/22/06 - sb
CL- 06L0219 - Angelena Kelly

06-*R*-1009

Claim of: Kemper Auto and Home
As subrogee of Dewey Merritt
P.O. Box 7768
Charlotte, NC 28241

For damages alleged to have been sustained as a result of a
vehicular accident on November 23, 2005 at 430 Boulevard
NE.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

06-*R*-1010

Entered - 4/12/06 - sb
CL- 06L0266 - Angelena Kelly

Claim of: Mattie Davis
2372 Cross Street NW
Atlanta, GA 30318

For damages alleged to have been sustained as a result of a
an automobile accident on March 3, 2006 at 2372 Cross
Street NW.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered 11-3-03 sb
CL 03L0859 GWENDOLYN BURNS

06-*R*-1011

CLAIM OF: JOHN H. COLSMAN
155 Lynhurst Drive, SW
Atlanta, Georgia 30311

For damages alleged to have been sustained from a
sewer back up on October 9, 2003 at 155 Lynhurst
Drive, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered 8-6-04 sb
CL 04L0495 GWENDOLYN BURNS

06-*R*-1012

CLAIM OF: KYLE RYAN LEER
843 Marstevan Drive, #C
Atlanta, Georgia 30306

For vehicular damages alleged to have been
sustained due to a pot hole on July 1, 2004 at Lenox
Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

Entered - 3/22/06 - sb
CL- 06L0214 - Angelena Kelly

06-*R*-1013

Claim of: State Farm Insurance
As subrogee of Annette Moody
P.O. Box 2375
Bloomington, IL 61702

For damages alleged to have been sustained as a result of a
flooding from a sewer back-up on March 31, 2005 at 3583
Eisenhower Circle.

THIS ADVERSED REPORT IS APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-20

Entered 4-12-06
CL 06L0267 GWENDOLYN BURNS

06-*R*-1014

CLAIM OF: COSBY F. SMITH
4456 Bay Court
Marietta, Georgia 30066

For damages alleged to have been sustained when
an automobile was vandalized on February 4, 2006
at an unspecified location.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-21

Entered 08/29/02 sb
CL 02L0620 - LISA CARTER

06-*R*-1015

CLAIM OF: KENNETH BEAL SUTTON
733 Ridgeview
Sherman, Texas 75090

For damages alleged to have been sustained during
an arrest on August 16, 2002 at 6000 S. Terminal
Parkway.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-22

Entered 08/30/02 sb
CL 02L0623 - LISA CARTER

06-*R*-1016

CLAIM OF: KIMBERLY K. LEWIS
370 Herrington Drive
Atlanta, Georgia 30342

For damages alleged to have been sustained during
the installation of a sewer main in May 2002 at 370
Herrington Drive.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

06-*R*-1017

Entered 05/21/03 sb
CL 03L0386 – LISA CARTER

**CLAIM OF: WILLIAM MICHAEL
SHELTON
18 Polo Drive, NE
Atlanta, Georgia 30309**

For damages alleged to have been sustained as a
result of flooding on May 15, 2003 at 71 17th Street
Apartment 1.

THIS ADVERSED REPORT IS
APPROVED

BY:



**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-241

06-*R*-1018

Entered 11/21/03 sb
CL 03L0930 – LISA CARTER

CLAIM OF: JOHN ALEXANDER
27 Howell Drive, SW
Atlanta, Georgia 30331.

For damages alleged to have been sustained as a
result of a sewer back up on November 13, 2003 at
27 Howell Drive, SW.

THIS ADVERSED REPORT IS
APPROVED

BY:



JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-25

Entered 06/06/03 sb
CL 03L0433 – LISA CARTER

06-*R*-1019

CLAIM OF: FRAN FRANKLIN
5505 Twin Lakes Drive
College Park, Georgia 30349

For damages alleged to have been sustained as a
result of an object falling from a city vehicle on
June 4, 2003 on Interstate 75/85.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-26

Entered 09/08/03 sb
CL 03L0723 – LISA CARTER

06-*R*-1020

CLAIM OF: RO KWON PARK
2555 Bolton Road, NW
Suite 13
Atlanta, Georgia 30318

For damages alleged to have been sustained as a
result of a sewer back up on August 4, 2003 at 2555
Bolton Road, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-27

06-R-1021

Entered 10/13/03 sb
CL 03L0828 - LISA CARTER

**CLAIM OF: DELORES COMBS
BARROW
995 Eisenhower Road, SE
Hapeville, Georgia 30354**

For damages alleged to have been sustained as a
result of striking a hole in the roadway on July 15,
2003 on Kingsboro Road, NE.

THIS ADVERSED REPORT IS
APPROVED

BY: 

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

C-28

Entered 12/10/03 sb
CL 03L0961 - LISA CARTER

06-*R*-1022

CLAIM OF: EMMA GODFREY
1441 Almont Drive, SW
Atlanta, Georgia 30310

For damages alleged to have been sustained as a
result of striking a sink hole due to collapsed sewer
main on June 17, 2003 at 16 Moury Avenue, SE.

THIS ADVERSED REPORT IS
APPROVED

BY: 

JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-29

Entered 12/10/03 sb
CL 03L0963 – LISA CARTER

06-*L*-1023

CLAIM OF: ALEXIA MATHIS
3802 Stephanie Drive, SW
Atlanta, Georgia 30331

For damages alleged to have been sustained as a
result of striking a damaged catch basin on
November 17, 2003 at 3676 Stone Road, SW.

THIS ADVERSED REPORT IS
APPROVED

BY: _____


JERRY L. DELOACH
DEPUTY CITY ATTORNEY

C-30

Entered 05/30/03 sb
CL 03L0416 - LISA CARTER

06-*L* -1024

**CLAIM OF: JESSIE AND MARY H.
JONES
419 Cairo Street, NW
Atlanta, Georgia 30314**

For damages alleged to have been sustained as a
result of flooding on May 7, 2003 at 419 Cairo
Street, NW.

THIS ADVERSED REPORT IS
APPROVED

BY: 

**JERRY L. DELOACH
DEPUTY CITY ATTORNEY**

**AN ORDINANCE BY
PUBLIC SAFETY AND LEGAL ADMINISTRATION**

06-0-0989

AN ORDINANCE TO REPEAL CHAPTER 106, ARTICLE III, SECTION 106-86 OF THE ATLANTA CITY CODE IN ORDER TO ELIMINATE ANY RESTRICTION OF STREET MUSICIANS WHO PERFORM STRICTLY FOR DONATIONS AND TO RESOLVE ANY CONFLICTS WITH CHAPTER 30, ARTICLE XXIII, DIVISION I, SECTION 30-1401 AND CHAPTER 30, ARTICLE XXIII, DIVISION II, SECTION 30-1426.

WHEREAS, Chapter 106, Article III, Section 106-86 of the Atlanta City Code provides that "it shall be unlawful for any person to make music on the streets of the city without first obtaining a license or permit; and it shall further be unlawful for any person, with or without a license or permit, to make music on the streets of the city for the purpose of begging;" and

WHEREAS, in August 2000 the City Council passed Ordinance 00-0-1065 amending Chapter 30, Article XXIII, Division I, Section 30-1426 in order to protect the constitutional right of street musicians to freely express themselves in a traditional public forum by providing that "[n]o permit shall be required for persons playing music in public, including but not limited to sidewalks, parks, or other public spaces, so long as payment by the audience or business owner is not required as a precondition for performing;" and

WHEREAS, in August 2000 the City Council passed Ordinance 00-0-1065 amending Chapter 30, Article XXIII, Division I, Section 30-1401 in order to exclude the regulation of street musicians who only accept donations while performing music; and

WHEREAS, the City Council desires to resolve the conflict posed by Chapter 106, Article III, Section 106-86 by clarifying its intent not to criminalize, regulate, or require a permit for street musicians who perform only for donations.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

Section 1: Chapter 106, Article III, Section 106-86 of the Atlanta City Code is hereby repealed and deleted in its entirety.

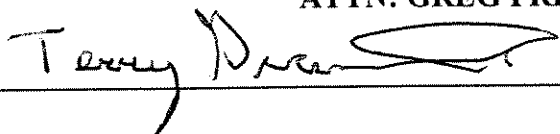
Section 2: that all ordinances or parts of ordinances in conflict with the provisions contained herein are hereby repealed.

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature):



Contact Number: 6946

Originating Department: Law Department

Committee(s) of Purview: Public Safety and Legal Administration

Council

Deadline: 4/24/06

Committee Meeting Date(s): 5/9-5/10 Full Council Date: 5/15

Commissioner Signature N/A

CAPTION

AN ORDINANCE TO REPEAL CHAPTER 106, ARTICLE III, SECTION 106-86 OF THE ATLANTA CITY CODE IN ORDER TO ELIMINATE ANY RESTRICTION OF STREET MUSICIANS WHO PERFORM STRICTLY FOR DONATIONS AND TO RESOLVE ANY CONFLICTS WITH CHAPTER 30, ARTICLE XXIII, DIVISION I, SECTION 30-1401 AND CHAPTER 30, ARTICLE XXIII, DIVISION II, SECTION 30-1426.

FINANCIAL IMPACT (if any): NONE

Mayor's Staff Only

Received by Mayor's Office:

(date)

4.24.06

Reviewed by:

(date)

Submitted to Council:

(date)

AN ORDINANCE

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$144,255.20 FOR \$72,127.60 FROM GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP AND MATCHING FUNDS IN THE AMOUNT OF \$72,127.60 FROM THE GENERAL FUND BUDGET, AND FOR OTHER PURPOSES.

WHEREAS, the United States Department of Justice has awarded the Atlanta Police Department \$72,127.60 for the purchase of new body armor for Atlanta Police Officers to be matched with \$72,127.60 from local funds; and

WHEREAS, the award of these grant funds coincides with the manufacturer's recommended replacement cycle for body armor; and

WHEREAS, the Budget Commission for the City of Atlanta has recommended increasing anticipations in the Intergovernmental Grant Fund in the amount of \$144,255.20 as a result of the grant award and required match.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA

Section one: that the 2006 (Intergovernmental Grant Fund) Budget, Department of Police be and is hereby amended as follows:

ADD TO ANTICIPATIONS

1B02 J53X0210B5K0	2005 Bulletproof Vest Partnership	
631101	Federal Grants/Entitlements	\$72,127.60
692403	Transfer from 1A01	<u>72,127.60</u>
		\$144,255.20

ADD TO APPROPRIATIONS

1B02 X11T0731B5K0	2005 Bulletproof Vest Partnership	
775001	Equipment	\$144,255.20

Section two: that matching funds in the Non-Departmental section of the 2005 General Fund Budget Fund/Account/Center 1A01 762001 T31001 may be transferred to the Intergovernmental Grant Fund as required by the Chief Financial officer, or her designee.

Section three: that all ORDINANCES or parts of ORDINANCES in conflict with the provisions contained herein are hereby WAIVED.

Legislative White Paper

Committee of Purview: Public Safety and Legal Administration

Caption AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$144,255.20 FOR \$72,127.60 FROM GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP AND MATCHING FUNDS IN THE AMOUNT OF \$72,127.60, FROM THE GENERAL FUND BUDGET, AND FOR OTHER PURPOSES

Council Meeting Date:

Legislation Title: FY2005 Bulletproof Vest award

Requesting Dept.: Police

Contract Type: Grant

Source Selection: Not applicable

Bids/Proposals Due: Not applicable

Invitations Issued: Not applicable

Number of Bids/ Not applicable

Proposals Received: Not applicable

Bidders/Proponents: Not applicable

Justification Statement: The Department of Justice has awarded the Atlanta Police Department \$72,127.60 to offset half the cost of body armor purchases for sworn police. This grant will assist the Department in sustaining a program to replace body armor as it reaches the manufacturer's recommended useful life expiration.

Background: Body armor has proven to be a life saver on more than one occasion for Atlanta Police Officers. This grant will maintain all assigned body armor within the recommended useful life stated by the manufacturer. Prolonged wear and tear on armor causes gradual deterioration of the protective inserts and the protective capacity of the product. Periodic replacement of body armor is essential to maintaining the integrity of the body armor program. Additionally, new police officers are issued body armor upon completing training.

Fund Account Center: 1B02775001 X11T0731B5K0

Source of Funds: U.S. Department of Justice

Fiscal Impact: 50% local match

Term of Contract: not applicable

Method of Cost Recovery: On-line draw down of funds

Approvals:

DOF:

DOL:

Prepared By: Dan Boozer

Contact Number: (404) 817 - 6782

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature):

Contact Number: 6946

Originating Department: Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: 4/10/06

Committee Meeting Date(s): 4/25 - 4/26 Full Council Date: 5/1/06

Commissioner Signature See Attached Original Transmittal Form

CAPTION

AN ORDINANCE AMENDING THE 2006 (INERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$144,255.20 FOR \$72,127.60 FROM GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE BULLETPROOF VEST PARTNERSHIP AND MATCHING FUNDS IN THE AMOUNT OF \$72,127.60 FROM THE GENERAL FUND BUDGET, AND FOR OTHER PURPOSES.

FINANCIAL IMPACT (if any): Matching Funds of \$72,127.60.

Mayor's Staff Only

Received by Mayor's Office:

4/12/06
(date)

Reviewed by:

(date)

Submitted to Council:

(date)

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

(for review and distribution to Executive Management)

Chief of Police Signature: [Signature]

Assistant Chief Signature: A/C [Signature]

Deputy Chief Signature: [Signature]

From: Originating Dept.: POLICE

Contact (Name):

Dan Boozer 817-6782

Committee(s) of Purview: PUBLIC SAFETY/LEGAL

Committee Deadline:

March 13, 2006

Committee Meeting
Dates:

March 28-29, 2006

City Council Meeting
Date:

April 17, 2006

CAPTION:

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$144,255.20 FOR \$72,127.60 FROM GRANT FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, BULLETPROOF VEST PARTNERSHIP AND MATCHING FUNDS IN THE AMOUNT OF \$72,127.60, AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

THE UNITED STATES DEPARTMENT OF JUSTICE HAS AWARDED THE ATLANTA POLICE DEPARTMENT A GRANT IN THE AMOUNT OF \$72,127.60 FOR THE PURCHASE OF BODY ARMOR FOR POLICE OFFICERS. THIS FUNDING WILL OFFSET HALF THE COST OF BODY ARMOR PURCHASES IN FY 2005, UP TO \$72,127.60.

FINANCIAL IMPACT (if any):

MATCHING FUNDS OF \$72,127.60.

PERSONNEL IMPACT:

NONE.

Mayor's Staff Only

Received by Mayor's Office (Date):

3-17-06 [Signature]

Reviewed (Initials): [Signature]

Date:

Action by Committee:

APPROVED

ADVERSE

HELD

AMENDED

SUBSTITUTE

REFERRED

OTHER

**CITY COUNCIL
ATLANTA, GEORGIA**

**AN ORDINANCE BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE**

06-0-0808

**AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL
GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO
ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF
\$48,000 FOR HOMELAND SECURITY EQUIPMENT UNDER THE
BUFFER ZONE PROTECTION PROGRAM ADMINISTERED BY THE
GEORGIA EMERGENCY MANAGEMENT AGENCY, AND FOR OTHER
PURPOSES**

WHEREAS, the Georgia Emergency Management Agency has awarded the Atlanta Police Department a grant for equipment related to the Buffer Zone Protection Program, and

WHEREAS, this equipment is critical to the safety of police personnel responding to an explosive device threat and to the safety of nearby civilians, and

WHEREAS, the Budget Commission of the City of Atlanta has recommended increasing anticipations and appropriations in the 2006 (Intergovernmental Grant Fund) Budget

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA

Section one: that the (Intergovernmental Grant Fund) Budget, Department of Police be and is hereby amended as follows:

ADD TO ANTICIPATIONS

1B02 J53X 0210JCU0	Buffer Zone Protection Explosive Equipment	
631101	Federal Grants/Entitlements	\$48,000

ADD TO APPROPRIATIONS

1B02 X11T0766JCU0	Buffer Zone Protection Explosive Equipment	
775001	Equipment	\$48,000

Section two: that no local match is required as a condition of this grant.

Section three: that all ORDINANCES or parts of ORDINANCES in conflict with the terms contained herein, are hereby WAIVED.

LWY

OFFICE OF HOMELAND SECURITY
Georgia Emergency Management Agency



SONNY PERDUE
GOVERNOR

MIKE SHERBERGER
DIRECTOR

February 9, 2006

RE: FIPS #121-04000-04
GAN #2005-GR-T5-0020
Budget Worksheet #0800
Atlanta Police Department

Honorable Shirley Franklin
Mayor of Atlanta
55 Trinity Street
Atlanta, Georgia 30335

Dear Mayor Franklin:

Enclosed is the Grantee-Subgrantee, Office for Domestic Preparedness (ODP) Buffer Zone Protection Program FY05 Agreement. This agreement governs the procurement and use of equipment being funded by ODP, to help your agency to prepare for and react to acts of terrorism.

The amount of this agreement is \$48,000.00. You may not exceed in either quantity nor total dollar amount the items expressly approved for you to purchase, as shown on the accompanying detailed budget worksheet(s).

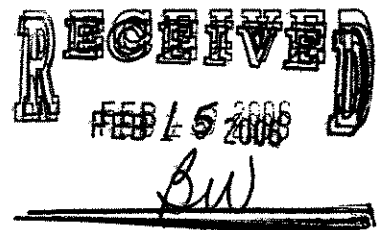
Attached to the Grantee-Subgrantee Agreement are Exhibits A – G. Please review and return signed originals of the Grantee-Subgrantee Agreement, Exhibit E, and Exhibit F, to the attention of your grants manager **within 14 days of receipt of this letter**. Keep a copy of each form for your records.

If you require further information as to the grantee package, please contact Tim Etson, Grants Manager, at 404-635-7066. Thank you for your work on behalf of the citizens of Georgia.

Sincerely,

Angi Ford
Public Assistance Director

AF/dm
Enclosures
cc: Richard J. Pennington, Chief of Police
City of Atlanta Department of Police





CITY OF ATLANTA

Shirley Franklin
Mayor

675 Ponce De Leon Ave. NE
Atlanta, Georgia 30308
(404) 817-6900

Atlanta Police Department
Richard J. Pennington
Chief of Police

March 6, 2006

Shirley Franklin, Mayor
City of Atlanta
55 Trinity Avenue, SW
Atlanta, GA 30303

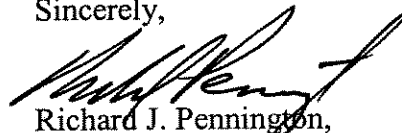
Dear Mayor Franklin:

The Atlanta Police Department received a grant from the Georgia Emergency Management Agency in the amount of \$48,000 for the purchase of bomb response equipment as part of the Buffer Zone Protection Program. This grant will allow us to acquire a vital tool for our homeland security strategy.

Attached is an ORDINANCE which will anticipate and appropriate the additional grant funds. In view of the vital nature of this equipment relative to my priorities for the Atlanta Police Department, I strongly recommend we take action promptly to anticipate and appropriate the additional funds, so that procurement of all equipment to be purchased with this grant can proceed rapidly. Further, these grant funds require no local match. Please forward this ORDINANCE to City Council for their consideration.

I appreciate your attention to this matter.

Sincerely,



Richard J. Pennington,
Chief of Police

RJP:drb

Legislative White Paper

Committee of Purview: Public Safety and Legal Administration

Caption AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$48,000 FOR HOMELAND SECURITY EQUIPMENT UNDER THE BUFFER ZONE PROTECTION PROGRAM ADMINISTERED BY THE GEORGIA EMERGENCY MANAGEMENT AGENCY, AND FOR OTHER PURPOSES

Council Meeting Date:

Legislation Title: FY2005 GEMA grants

Requesting Dept.: Police

Contract Type: Grant

Source Selection: Not applicable

Bids/Proposals Due: Not applicable

Invitations Issued: Not applicable

Number of Bids/ Not applicable

Proposals Received: Not applicable

Bidders/Proponents: Not applicable

Justification Statement: The Georgia Emergency Management Agency has awarded the Atlanta Police Department a grant in the amount of \$48,000 to purchase a mini-robot and bomb suit for use by bomb technicians when responding to a bomb call.

Background: The terrorist attacks of September 11, 2001 raised security concerns in all major metropolitan areas and pointed up the need to prepare first responders to effectively respond to attacks and to take preventive measures to head off attacks. This grant funded equipment will better prepare bomb technicians to respond safely and effectively to a bomb call.

Fund Account Center: To be assigned by the Department of Finance upon award of the grants.

Source of Funds: U.S. Department of Homeland Security

Fiscal Impact: None, 100% grant funded

Term of Contract: One year

Method of Cost Recovery: Claim for reimbursement to grantor agency.

Approvals:

DOF:

DOL:

Prepared By: Dan Boozer

Contact Number: (404) 817 - 6782

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature):



Contact

Number: 6946

Originating Department: Police

Committee(s) of Purview: Public Safety and Legal Administration

Council Deadline: 4/10/06

Committee Meeting Date(s): 4/25 -4/26 Full Council Date: 5/1/06

Commissioner Signature See Attached Original Transmittal Form

CAPTION

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$48,000 FOR HOMELAND SECURITY EQUIPMENT UNDER THE BUFFER ZONE PROTECTION PROGRAM ADMINISTERED BY THE GEORGIA EMERGENCY MANAGEMENT AGENCY, AND FOR OTHER PURPOSES.

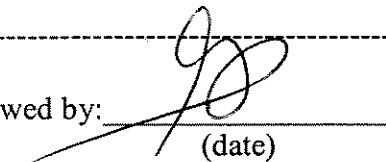
FINANCIAL IMPACT (if any): None

Mayor's Staff Only

Received by Mayor's Office:

4/12/06
(date)

Reviewed by:


(date)

Submitted to Council:

(date)

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon

(for review and distribution to Executive Management)

Assistant Chief Signature: A/C [Signature]

Chief of Police Signature: [Signature]

Deputy Chief Signature: D/C [Signature]

From: Originating Dept.: POLICE

Contact (Name): Dan Boozer 817-6782

Committee(s) of Purview: PUBLIC SAFETY/LEGAL

Committee Deadline: March 13, 2006

Committee Meeting
Dates: March 28-29, 2006

City Council Meeting
Date: April 17, 2006

CAPTION:

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF POLICE, BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$48,000 FOR HOMELAND SECURITY EQUIPMENT UNDER THE BUFFER ZONE PROTECTION PROGRAM ADMINISTERED BY THE GEORGIA EMERGENCY MANAGEMENT AGENCY, AND FOR OTHER PURPOSES.

BACKGROUND/PURPOSE/DISCUSSION:

THE ATLANTA POLICE DEPARTMENT HAS RECEIVED A GRANT AWARD FROM THE GEORGIA EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$48,000 FOR A MINI-ROBOT AND BOMB SUIT TO EQUIP THE DEPARTMENT'S TEAM OF BOMB TECHNICIANS TO RESPOND TO A BOMB THREAT SAFELY AND EFFECTIVELY.

FINANCIAL IMPACT (if any):

NONE, NO LOCAL MATCH IS REQUIRED.

PERSONNEL IMPACT:

NONE.

Mayor's Staff Only

Received by Mayor's Office (Date): 3.17.06 [Signature]

Reviewed (Initials): [Signature]

Date: 4/12/06

Action by Committee:

 APPROVED ADVERSED HELD AMENDED
 SUBSTITUTE REFERRED OTHER

ORDINANCE

06-O-0809

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE AMENDING THE 2006 (INTERGOVERNMENTAL GRANT FUND) BUDGET, DEPARTMENT OF FIRE); BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$350,000.00 FOR THE ACQUISITION OF A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR EXPLOSIVES (CBRNE) INCIDENT COMMAND VEHICLE TO ENHANCE MITIGATION CAPABILITIES OF THE ATLANTA FIRE RESCUE DEPARTMENT AGAINST TERRORIST ATTACKS AND FOR OTHER PURPOSES.

WHEREAS, the Atlanta Fire Rescue Department responds to several CBRNE/Hazardous Material incidents annually; and

WHEREAS, the increase threats and acts of terrorism has resulted in progressive and proactive measures in emergency preparedness; and

WHEREAS, communication between emergency responders and governmental agencies has been historically ineffective and problematic; and

WHEREAS, the United States Office of Domestic Preparedness (National Homeland Security) has made available to the State of Georgia, grant (GAN #2005-GE-T5-0052) to be passed through the Georgia Emergency Management Agency (GEMA) to local governments for the purchase of specialized equipment to enhance the capability to mitigate and respond to incidents of terrorism; and

WHEREAS, an assessment of the capabilities of the current apparatus, along with the heightened awareness to terrorist incidents, has concluded that a replacement vehicle is essential to the ability to provide effective response to these incidents; and

WHEREAS, grant funds will be used to acquire a state of the art command vehicle to control, command, and mitigate emergency incidents; and

WHEREAS, the Atlanta Fire Rescue Department applied and received a grant award from the Georgia Emergency Management Agency in the amount of \$350,000.00 to acquire a state of the response vehicle to mitigate CBRNE emergencies and thereby help to prevent or reduce the loss of lives and property.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA as follows:

SECTION 1: That the 2006 (Intergovernmental Grant) Fund be and hereby is amended as follows:

E-B

ADD TO ANTICIPATIONS

1B02 J53X0210AHB0	Homeland Security Domestic Preparedness Program	
632101	Federal Grants/Entitlement	\$350,000.00

ADD TO APPROPRIATIONS

1B02 W11T0742AHB0 775002	Homeland Security Domestic Preparedness Program Equipment Service Grants	\$350,000.00
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SECTION 2: That the Mayor or her designee is hereby authorized to sign and execute all related grant agreements.

SECTION 3: That all ordinances or parts of ordinances in conflict with the provisions herein, be and are hereby waived in this instance only.

Legislative White Paper

Committee of Purview: PUBLIC SAFETY & LEGAL ADMINISTRATION

Caption

AN ORDINANCE AMENDING THE 2005 (INTERGOVERNMENTAL GRANT FUND BUDGET, DEPARTMENT OF FIRE); BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$350,000 FOR THE ACQUISITION OF A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR EXPLOSIVES (CBRNE) INCIDENT COMMAND VEHICLE TO ENHANCE MITIGATION CAPABILITIES OF THE ATLANTA FIRE RESCUE DEPARTMENT AGAINST TERRORIST ATTACKS AND FOR OTHER PURPOSES.

Council Meeting Date: March 20, 2006

Legislation Title: CBRNE Command Vehicle

Requesting Dept.: Atlanta Fire Rescue Department

Contract Type: NA

Source Selection: NA

Bids/Proposals Due: NA

Invitations Issued: NA

**Number of Bids/
Proposals Received:** NA

Bidders/Proponents: NA

Background: The Atlanta Fire Rescue Department responds to several CBRNE/Hazardous Material incidents annually which involve other city departments and external agencies. Communication between emergency responders and governmental agencies has been historically ineffective and problematic, which hampers emergency incident operations. The CBRNE Command Vehicle will strengthen and unify incident command operations and increase overall efficiency and mitigation capabilities.

Fund Account Center: NA

Source of Funds: Grant from the Georgia Emergency Management Agency (GEMA)

Fiscal Impact: \$350,000

Term of Contact: NA

Prepared By: Wilmond Meadows (Atlanta Fire-Rescue)

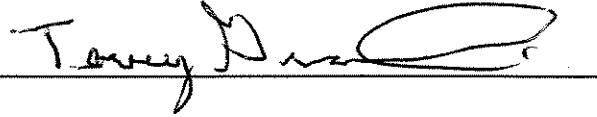
Contact Number: (404) 853-7799

TRANSMITTAL FORM FOR LEGISLATION

TO: MAYOR'S OFFICE

ATTN: GREG PRIDGEON

Legislative Counsel (Signature):



Contact Number: 6946 _____

Originating Department: Atlanta Fire Rescue Department _____

Committee(s) of Purview: Public Safety & Legal Administration _____

Council Deadline: April 10, 2006 _____

Committee Meeting Date(s): 4/25-4/26 _____ Full Council Date: 5/1/06 _____

Commissioner Signature See Attached Original Transmittal Form _____


CAPTION

AN ORDINANCE AMENDING THE 2005 (INTERGOVERNMENTAL GRANT FUND BUDGE, DEPARTMENT OF FIRE); BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$350,000 FOR THE ACQUISITION OF A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR EXPLOSIVES (CBRNE) INCIDENT COMMAND VEHICLE TO ENHANCE MITIGATION CAPABILITIES OF THE ATLANTA FIRE RESCUE DEPARTMENT AGAINST TERRORIST ATTACKS AND FOR OTHER PURPOSES.

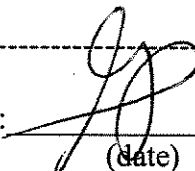
FINANCIAL IMPACT (if any): None

Mayor's Staff Only

Received by Mayor's Office:

4/12/06 
(date)

Reviewed by:


(date)

Submitted to Council:

(date)

TRANSMITTAL FORM FOR LEGISLATION

To Mayor's Office: Greg Pridgeon, Chief of Staff

Commissioner Signature: Dennis L. Rubin
From: Originating Department: Fire Contact Person: Chief Meadows (853-7799)
Committee of Purview: Public Safety Committee Deadline: _____
Committee Meeting: _____ Council Meeting: _____

CAPTION:

AN ORDINANCE AMENDING THE 2005 (INTERGOVERNMENTAL GRANT FUND BUDGET, DEPARTMENT OF FIRE); BY ADDING TO ANTICIPATIONS AND APPROPRIATIONS IN THE AMOUNT OF \$350,000 FOR THE ACQUISITION OF A CHEMICAL, BIOLOGICAL, RADIOLOGICAL, AND NUCLEAR EXPLOSIVES (CBRNE) INCIDENT COMMAND VEHICLE TO ENHANCE MITIGATION CAPABILITIES OF THE ATLANTA FIRE RESCUE DEPARTMENT AGAINST TERRORIST ATTACKS AND FOR OTHER PURPOSES.

BACKGROUND/DISCUSSION:

The Atlanta Fire Rescue Department responds to several CBRNE/Hazardous Material incidents annually which involve other city departments and external agencies. Communication between emergency responders and governmental agencies has been historically ineffective and problematic, which hampers emergency incident operations. The CBRNE Command Vehicle will strengthen and unify incident command operations and increase overall efficiency and mitigation capabilities.

FINANCIAL IMPACT: \$350,000

SOURCE: Grant from the Georgia Emergency Management Agency (GEMA)

Mayor's Staff Only:

~~~~~  
Received by Mayor's Office: 3-16-06 Reviewed JS  
(Date) (Initials) (Date)

Submitted to Council: \_\_\_\_\_

Action by Committee: \_\_\_\_\_ Approved \_\_\_\_\_ Adversed \_\_\_\_\_ Held \_\_\_\_\_

**AN ORDINANCE**

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE**

**AN ORDINANCE TO EXEMPT FROM THE MORATORIUM IMPOSED PURSUANT TO ORDINANCE # 06-O-0206, ON THE ACCEPTANCE OF NEW PRIVATE PROPERTY VENDING APPLICATIONS AND ON THE ISSUANCE OF PRIVATE PROPERTY VENDING PERMITS FOR NEW VENDORS OR FOR NEW VENDING LOCATIONS FOR EXISTING VENDORS, EXISTING PRIVATE PROPERTY VENDORS WITH VALID VENDING PERMITS WHO HAVE BEEN DISPLACED BY THE PROPERTY OWNER FROM THEIR EXISTING LOCATION FOR REASONS BEYOND THE CONTROL OF THE VENDOR; AND FOR OTHER PURPOSES.**

**WHEREAS**, Ordinance # 06-O-0206 (copy attached) imposed a moratorium on the acceptance of new private property vending applications and on the issuance of private property vending permits for new vendors or for new vending locations for existing vendors, until June 30, 2006; and

**WHEREAS**, existing private property vendors with valid vending permits who are displaced by the property owner from their current vending location for reasons beyond the control of the vendor, should not be subject to this moratorium.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**Section 1:** Existing private property vendors with valid vending permits who are displaced by the property owner from their current vending location for reasons beyond the control of the vendor, are hereby exempt from the moratorium imposed pursuant to Ordinance # 06-O-0206.

**Section 2:** All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of any such conflict.

E-41



CITY COUNCIL  
ATLANTA, GEORGIA

06-0-0206

AN ORDINANCE

BY COUNCILMAN JIM MADDOX

JAN 9 2006

**AN ORDINANCE TO RE-IMPOSE A MORATORIUM ON THE  
ACCEPTANCE OF NEW PRIVATE PROPERTY VENDING  
APPLICATIONS AND ON THE ISSUANCE OF PRIVATE PROPERTY  
VENDING PERMITS FOR NEW VENDORS OR FOR NEW VENDING  
LOCATIONS FOR EXISTING VENDORS, UNTIL JUNE 30, 2006; AND  
FOR OTHER PURPOSES.**

**Whereas**, the City has the responsibility and the authority to regulate and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the city and to provide for the enforcement of such standards; and

**Whereas**, the City has the power to make, ordain and establish such laws, ordinances, rules and regulations as shall appear necessary for the security, welfare, convenience and interest of the city and the inhabitants thereof, and for preserving the health, peace, order and good government of the city; and

**Whereas**, pursuant to its police powers, the City is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including vending on private property; and

**Whereas**, there is a proliferation of private property vendors some of whose vending sites and structures are unsightly and unsafe; and

**Whereas**, this proliferation of private property vendors has also led to traffic congestion and the creation of dangerous traffic conditions; and

**Whereas**, the City ordinances regarding vending on private property should be reviewed, revised and updated in order to eliminate the problems associated with vending on private property; and

**Whereas**, it is anticipated that said review, revision and updating should be completed by June 30, 2006; and

**Whereas**, no new applications or permits for private property vending locations should be accepted, nor should any private property



vending permits for new vending locations be issued during the period of time during which the moratorium is in effect.

**NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:**

**Section 1:** A moratorium on the acceptance of new private property vending applications and on the issuance of private property vending permits for new vendors or for new vending locations for existing vendors, is hereby re-imposed until June 30, 2006.

**Section 2:** All ordinances or parts of ordinances in conflict with this ordinance are hereby waived to the extent of any such conflict.

A true copy,

*Rhonda Daughkin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
RETURNED WITHOUT SIGNATURE OF THE MAYOR  
APPROVED as per City Charter Section 2-403

Jan 17, 2006

Jan 26, 2006

**AN ORDINANCE  
BY COUNCILMEMBER ANNE FAUVER**

06-○-1043

**AN ORDINANCE TO WAIVE THE PROVISIONS  
OF CHAPTER 10, ARTICLE II, SECTION 10-  
209 (c) AND (d) OF THE CODE OF  
ORDINANCES OF THE CITY OF ATLANTA,  
GEORGIA SO AS TO MODIFY THE HOURS OF  
OPERATION ON MONDAY, JUNE 26, 2006  
ONLY, FOR ALL LICENSED ESTABLISHMENTS  
AUTHORIZED TO SELL ALCOHOLIC  
BEVERAGES FOR ON PREMISES  
CONSUMPTION; AND FOR OTHER PURPOSES.**

**WHEREAS**, the City of Atlanta has an interest in maintaining the public safety and welfare of the citizens of the City of Atlanta and its visitors; and

**WHEREAS**, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

**WHEREAS**, the City of Atlanta is authorized to regulate the hours within which establishments licensed to sell alcoholic beverages may sell such beverages; and

**WHEREAS**, Section 10-209 (c) and (d) currently authorize certain establishments to engage in the sale of alcoholic beverages for on premises consumption on Sunday between the hours of 12:30 p.m. and 12:00 midnight; and

**WHEREAS**, Section 10-209 (c) and (d) currently authorize certain establishments to engage in the sale of alcoholic beverages for on premises consumption on Monday between the hours of 9:00 a.m. and 2:30 a.m. the following day; and

**WHEREAS**, Section 10-209 (c) and (d) currently authorize that anytime December 31<sup>st</sup> falls on a Sunday, all establishments licensed to engage in the sale of alcoholic beverages for on premises consumption may engage in the sale of alcoholic beverages between the hours of 12:01 a.m. Monday, January 1<sup>st</sup> and 2:30 a.m., Monday January 1<sup>st</sup>; and

**WHEREAS**, Section 10-209 (c) and (d) currently authorize extended hours of operation at certain establishments to engage in the sale of alcoholic beverages for on premises consumption on Sunday between the hours of 12:30 p.m. and 2:30 a.m. the following day in recognition of New Years Eve, St. Patrick's Day, Memorial Day, Independence Day and Labor Day; and

**WHEREAS**, the City of Atlanta recognizes the need to represent the expressed interest of its citizens, visitors, and licensed establishments in celebrating special events of such a festive nature; and

**WHEREAS**, the Atlanta Pride Celebration is scheduled to occur Friday, June 24, 2006 through Monday June 26, 2006; and

**WHEREAS**, a multitude of licensed establishments have expressed an interest in modifying the current allowable hours of operation at their establishments so as to accommodate the festive nature of this special and unique event.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS as follows:**

**SECTION 1.**

The provisions of Section 10-209(c) and (d) of the Code of Ordinances of the City of Atlanta, Georgia are hereby waived in part in this instance only, for the sole purpose of allowing all establishments licensed to engage in the sale of alcoholic beverages for which they are appropriately licensed for on premises consumption, to engage in the sale of alcoholic beverages between the hours of 12:01 a.m., Monday, June 26, 2006 and 2:30 a.m. Monday, June 26, 2006.

**SECTION 2.**

All licensed premises described above shall be required to be closed to the public and the premises cleared of patrons within thirty minutes after the 2:30 a.m. time set for discontinuance of the sale of alcoholic beverages on the premises on Monday, June 26, 2006.

**SECTION 3.**

All code sections, ordinances, and parts of code sections and ordinances in conflict herewith are hereby waived for the sole purpose of this ordinance only and shall otherwise remain in full force and effect.

**AN ORDINANCE****BY COUNCILMEMBERS H. LAMAR WILLIS AND C.T. MARTIN**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE 2, SECTION 162-61(a) AND CHAPTER 162, ARTICLE 2, SECTION 162-34(f) TO ALLOW SHORT BREAKS IN SERVICE FOR TAXICABS; TO ALLOW THE CHIEF OF POLICE OR HIS DESIGNEE, DISCRETION TO GRANT FURTHER EXTENSION FOR CORRECTION SLIP MATTERS; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which involve Vehicles for Hire.

WHEREAS, drivers of vehicles for hire are sometimes required to be away from their occupation for short periods of time.

WHEREAS, drivers sometimes need an additional period of time to correct items that the Bureau has noted as deficiencies in the inspection process.

NOW THEREFORE, the Council of the City of Atlanta, Georgia hereby ordains as follows:

SECTION 1. That Chapter 162, Article 2, Section 162-61(a) of the City of Atlanta Code of Ordinances is hereby amended to delete the third paragraph of the subsection and to insert in lieu thereof the following language, so that said subsection shall read as follows.

- (a) As of August 15, 2001, no new or replacement taxicab vehicle may be operated as a taxicab in the city if such vehicle is greater than five years old. However, any such new or replacement vehicle for which a CPNC is obtained may continue to be operated as a taxicab through that vehicle's eighth model year provided that the vehicle continues to be in compliance with all other provisions of the City Code which pertain to the regulation of taxicabs licensed to operate in the city. For purposes of the preceding sentence, a vehicle that has been operated as a taxicab continuously beyond five years shall not be deemed to be out of compliance with any



provision of the City Code pertaining to the regulation of taxicabs licensed to do business in the city if such vehicle is not operated as a taxicab and is not insured pursuant to the requirements of this ordinance for a period not to exceed ninety days, and the taxicab company or CPNC holder has provided the Bureau with notice that such vehicle will not be in service and such notice shall be provided contemporaneously with the submission of the required information to replace a vehicle for which a CPNC has been issued, pursuant to Section 162-59. Further, such vehicle shall not be placed back in service as a vehicle for hire until it has been submitted for and passed an inspection by the Bureau.

SECTION 2. That Chapter 162, Article 2, Section 162-34(f) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and to insert in lieu thereof the following language, so that said subsection shall read as follows.

(f) If a vehicle for hire fails to pass the requirements of the bureau's inspection, a correction slip shall be issued to the driver, listing the items that need correction and showing the status of the inspection. The vehicle shall not be operated as a vehicle for hire until it successfully passes inspection; provided that the police chief or the chief's designee, in the chief's discretion, for two periods not to exceed 15 days each, may allow the continued use of a vehicle for hire which substantially complies with the inspection requirements. The police chief shall forward to the company holder a copy of the correction slip.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.



AN ORDINANCE

BY COUNCILMEMBERS H. LAMAR WILLIS AND C.T. MARTIN

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA, CHAPTER 162, ARTICLE 2, SECTION 162-57(a)(3) SO AS TO DELETE RESIDENCY REQUIREMENTS FOR SECURING OR MAINTAINING VEHICLE FOR HIRE CPNC'S; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES**

WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare; and

WHEREAS, pursuant to its police powers the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including businesses which involve Vehicles for Hire.

NOW THEREFORE, the Council of the City of Atlanta, Georgia hereby ordains as follows:

SECTION 1. That Chapter 162, Article 2, Section 162-57(a)(3) of the City of Atlanta Code of Ordinances is hereby amended to delete the current language and insert in lieu thereof the following language so that said section reads as follows.

Section 162-57(a)(3). Be a resident, for at least one year immediately preceding the date of application, of the state, provided however that this requirement shall apply only to an applicant who is obtaining a CPNC for the first time.

SECTION 2. That Chapter 162, Article 2, Section 162-58(4) of the City of Atlanta Code of Ordinances is hereby amended to delete this subsection and to renumber the remaining subsections to reflect said deletion.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

AN AMENDED RESOLUTION

BY PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

06- R -0992

**A RESOLUTION AUTHORIZING THE AMENDMENT OF  
RESOLUTUION 06-R-0316 AND FOR OTHER PURPOSES**

**WHEREAS**, on February 8, 2006 the Atlanta City Council adopted resolution 06-R-0316 and said resolution was approved by the Mayor on February 14, 2006; and

**WHEREAS**, the above referenced resolution approved the settlement of the claim of Tijuan Tucker, through his attorney, Olivia Harmon in the amount of \$6,500.00; and

**WHEREAS**, this settlement was the result of a vehicular accident on June 3, 2005 at Forrest Hill Drive and Cleveland Avenue; and

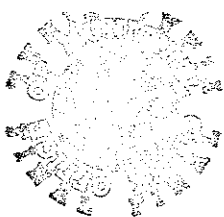
**WHEREAS**, the claimant dismissed his attorney, Olivia Harmon and Ms. Harmon has notified the City that she is entitled to one-third of the settlement pursuant to her contract with the claimant, said amount being \$2,277.53 and the remaining balance of \$4,222.47 to be paid directly to the claimant.

**THEREFORE, BE IT RESOLVED** that Resolution 06-R-0316 be hereby amended.

**BE IT FURTHER RESOLVED** that the Council of the City of Atlanta, Georgia that \$2,277.53 be paid by the City of Atlanta in satisfaction of any and all claims Olivia Harmon may have stemming from damages sustained to her former client, Tijuan Tucker due to a vehicular accident on June 3, 2005.

**BE IT FURTHER RESOLVED** that the Council of the City of Atlanta, Georgia that \$4,222.47 be paid by the City of Atlanta in satisfaction of any and all claims Tijuan Tucker may have stemming from damages sustained to him due to a vehicular accident on June 3, 2005 and that the City Attorney prepare the appropriate releases.

**BE IT FURTHER RESOLVED** that the Chief Financial Officer be and is hereby authorized to pay the above mentioned sum from account number 2J01 (Water and Sewer Fund)529017 (Property Liquidation) Q30001(Deputy Director Wastewater Treatment and Collections).



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**06-R-0316**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **Tijuan Tucker his attorney, Olivia Harmon** in the sum of **\$6,500.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained as **a result of a vehicular accident on June 3, 2005 at Forrest Hill Drive and Cleveland Avenue**, as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001 Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

Feb 08, 2006  
Feb 14, 2006

## A RESOLUTION

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING PAYMENT IN THE  
AMOUNT OF \$610,000.00 TO EDWARD J. AND MICHELLE  
ANN MILLS, THROUGH THEIR ATTORNEY, RANDALL F.  
ROGERS IN SETTLEMENT OF THEIR CLAIMS AGAINST  
THE CITY OF ATLANTA**

**WHEREAS**, Edward J. and Michelle Ann Mills and their minor children, Olivia Grace, Austin Joseph and Linden Rachel Mills, through their attorney, Randall F. Rogers have filed claims against the City of Atlanta seeking damages arising out of a sanitary sewer spill and the subsequent repairs to a sewer trunk line on their property located at 2400 Bohler Road, NW; and

**WHEREAS**, the property owned by the Mills was damaged due to the rupture of the Peachtree Creek sewer trunk line on September 16, 2004 and during the City's subsequent repairs of the trunk line; and

**WHEREAS**, the Mills have asserted damages in an amount in excess of \$1,000,000.00 and have agreed to accept this sum in full and complete satisfaction and settlement of their claims against the City of Atlanta; and

**WHEREAS**, it is the opinion of the City Attorney after a full review of the facts and circumstances surrounding these claims that the proposed settlement of all claims that Edward J. and Michelle Ann Mills and their minor children, Olivia Grace, Austin Joseph and Linden Rachel Mills, through their attorney, Randall F. Rogers have against the City of Atlanta for the sum of \$610,000.00 is appropriate and in the best interest of the City of Atlanta.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA AS FOLLOWS:**

Section 1: That the City Attorney is hereby authorized on behalf of the City of Atlanta to settle the claims of Edward J. and Michelle Ann Mills, through their attorney, Randall F. Rogers against the City of Atlanta in the amount of Six Hundred Ten Thousand Dollars (\$610,000.00) in full settlement of their claims for damages to their property located at 2400 Bohler Road, NW on or after September 16, 2004 due to the rupture of the Peachtree Creek sewer trunk line and during the subsequent repairs of the trunk line.

Section 2: That the Chief Financial Officer be and is hereby authorized to pay the above mentioned sum from account number 2J01 (Water and Sewer Fund) 529017 (Property Liquidation) Q30001 (Deputy Director Wastewater Treatment and Collections). Payment shall be in the form of a check in the amount of \$610,000.00, payable to Edward J. and Michelle Ann Mills and Randall F. Rogers, Attorney at Law.

Section 3: That the City Attorney is authorized to prepare the appropriate releases.

AN ORDINANCE

BY COUNCILMAN JIM MADDOX

**AN ORDINANCE TO AMEND ARTICLE XXIV, SECTIONS 30-1461 ET SEQ. OF THE CODE OF ORDINANCES OF THE CITY OF ATLANTA, GEORGIA ENTITLED "VENDING ON PRIVATE PROPERTY" SO AS TO ADOPT THE RECOMMENDATIONS OF THE PRIVATE PROPERTY VENDING POLICY AND ADVISORY COMMITTEE SAID RECOMMENDATIONS BEING HERETO ATTACHED AS EXHIBIT "A"; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.**

**Whereas**, the City has the responsibility to regulate, and prohibit any act, practice, conduct, or use of property which is detrimental, or likely to be detrimental, to the health, sanitation, cleanliness, welfare, and safety of the inhabitants of the City and to provide for the enforcement of such standards; and

**Whereas**, the City has the power to make, ordain, and establish such bylaws, ordinances, rules, and regulations as shall appear necessary for the security, welfare, convenience, and interest of the City and the inhabitants thereof and for preserving the health, peace, order, and good government of the City; and

**Whereas**, pursuant to its police powers, the City of Atlanta is authorized to enact legislation to regulate certain types of businesses and industries which could potentially affect the public health, safety and welfare, including vending on private property; and

**Whereas**, there is a proliferation of private property vendors some of whose vending sites and structures are unsightly and unsafe; and

**Whereas**, this proliferation of private property vendors has also led to traffic congestion and the creation of dangerous traffic conditions; and

**Whereas**, the City ordinances regarding vending on private property should be reviewed, revised and updated in order to eliminate the problems associated with vending on private property; and

**Whereas**, the Private Property Vending Policy and Advisory Committee was created to perform such a review and to make recommendations to the City Council and the Mayor; and

**Whereas**, the Committee has completed its work and has submitted its recommendations; and

**Whereas,** said recommended changes must now be incorporated into the City's private property vending ordinance.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS**  
as follows:

**Section 1:** Article XXIV, Sections 30-1461 et seq. of the Code of Ordinances of the City of Atlanta, Georgia entitled "Vending on Private Property" is hereby amended so as to adopt and incorporate therein, the recommendations of the Private Property Vending Policy and Advisory Committee said recommendations being hereto attached as Exhibit "A".

**Section 2:** All ordinances and parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.



## Introduction

### Background Rational for Private Property Vending:

The vending ordinance was passed in the 1970's to give small business persons a *temporary* opportunity to transition into a permanent business.

### Changing Times and Economic Growth and Development:

The Atlanta area has undergone massive changes since passage of the private property vending ordinance. Population growth, a more urban atmosphere, and other factors that either contribute to the desirability of a neighborhood or detract from its appeal to a broad-based residential and commercial market.

Changes in community standards are reflected in the reduction of opportunities to vend within some of the newer zoning designations that restrict approval of outdoor private property vending only through special administrative permits.

The *collective, cumulative* impact from some outdoor private property vending as it has been allowed to exist in some instances:

- contributes to physical disorder and decline within distressed communities
- adds to the challenge of attracting/retaining quality economic growth and development opportunities for the surrounding community

All of which impacts available tax revenue for the entire City for necessary services such as schools, roads, sanitation, parks, and public safety.

**A balance of interests must exist in all communities.**

While the scope of work for the Private Property Vending Task Force was limited, we felt compelled to provide additional recommendations beyond our scope, and have included those comments at the end of the report.

Addendums included in the recommendations contain the following information:

- Addendum A: Additional Recommendations Beyond Scope of Task Force
- Addendum B: Example of Recommended Vending Apparatus
- Addendum C: Jurisdictions Used as References for Vending Standards
- Addendum D: Photographs of Current Practices

## Recommendations

### Section 1: Policy Statement

The intent of outdoor private property vending is to serve a short-term need and not to be a permanent or quasi-permanent feature of a private property.

### Section 2: Categories

Because of the varying types of outdoor private property vending, the recommendation is to distinguish the vending activities by category. This allows for the flexibility to tailor standards without casting a broad net which may have unintentional consequences on all outdoor private property vending activity.

The Task Force focused on changes on the single category of vending which holds the most concern in impacted neighborhoods, and makes no recommendations for other categories. However, we suggest a review of time length of permits (particularly the three 45-day permit renewals per year) cite requirements (particularly park availability in the Seasonal Extended category), and aesthetic standards in other categories as necessary.

Sample Category Permit Titles

|                                                            |                                                                                                                                              |                                                                                      |                                                                                                                                                                     |
|------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Outdoor Private Property Vending:                          | Seasonal Short-term<br>(Exclusive to X-mas trees, Halloween pumpkins, etc.)                                                                  | Seasonal Extended<br>(Perishable produce only - Sales usually last approx. 6 months) | Sporting & Concert Venues<br>(any items sold at single sporting events, entire sports season, single concert events at major venues, i.e., Ga. Dome & Turner Field) |
| <u>Focus Category</u><br>Outdoor Private Property Vending: | <i>Short-term Merchandise<br/>(non perishable items only- not to be combined with any other category)<br/>Permit : 14-day maximum permit</i> |                                                                                      |                                                                                                                                                                     |

\* Permit categories may not be combined.

### Section 3: Recommended Changes to Requirements and Restrictions

#### Site Requirements

- . Parking requirements:  
Site plan must show available parking spaces of existing site exceeds the minimum parking requirements in order to accommodate vending customers as well as customers of the existing (permanent) business.

#### Vending Restrictions and Prohibitions

Note: Combine existing zoning (16-28.008 ) and police requirements (Section 30-1464) regarding where vending can occur on a site into the zoning ordinances (**Intent:** Increase efficiency of the enforcement process. This is in no way intended to interfere with police power to enforce conditions set forth in the Permit.)

- Any power sources must be depicted in the site plan and must not originate from power source of an existing permanent business, and must meet applicable safety code standards.
- Vending structures shall not be left unattended or stored at any time on the vending site when vending is not taking place or during restricted hours of operation.
- Hours of operation shall be from 8 a.m. to 8 p.m.
- Amplified sound or sound equipment is prohibited.
- Flashing lights are prohibited.

#### Application Requirements :

##### Evidence of Permission to Vend on Private Property

- Amend existing " permission from property owner\leaseholder" language to include: Agreement must be notarized and a 24-hour contact number of the property owner or leaseholder shall be provided along with the permit application and to be part of the required cite plan.

##### Evidence of Acknowledgement of Zoning Regulations

- Standard required language in written permission to vend agreement (or a separate acknowledgment form) acknowledging that property owner\leaseholder is aware of zoning requirements for the property as they relate to vending and responsibility in violations found under zoning regulations related to vending (location of vending on the site, storage of vending structures on site, parking requirement, etc.).

##### Distance Requirements

- 1,500 foot minimum distance from like permanent businesses selling same or similar products. 1,500 foot minimum distance between vendors. ( If violation occurs, the most recent permit issued within the restricted distance area will be invalid.) *Intent:* Reduce "clustering" of vendors in a particular area)

##### Site Plan

- Site plan to be included in application.

**Required Aesthetic Standards for Display of Merchandise and Vending Structures:**

- Vending is permitted from tables only. Table restricted to one (1) portable folding table only, not to exceed 4X8 in size.
- Canopy: If used, must be unenclosed portable folding canopy only. One (1) canopy permitted (not required), shall be white in color, shall not contain any writing and not to exceed 10x10 is size .
- Canopy structures supported or anchored by ropes, containers, or similar devices is prohibited.
- Vending structures must be removed from vending site when vendor is not doing business and during restricted hours of operation.
- Vending structure must be in good repair at all times.
- Merchandise shall be displayed on table only and shall not be higher than one level at any point or displayed above or below table level at any time.
- Storage of merchandise in boxes or containers around vending structure prohibited.
- *If signage is allowed*, no more than one (1) sign not to exceed 2'x 3' in size and displayed only on or attached to the vending table. Must be included in site plan if signage to be used.
- Description of structures and hours of operation to be used to be a part of site plan.

**Length of time allowed at a site:**

- Maximum 14 days
- Permit location is not transferable. No more than 2 permits per calendar year shall be issued for one address. (*Shortest periods of jurisdictions investigated range from 7 to 9 days. 14 days will allow for 2 weekends*)
- **No vending permit shall be issued that allows same vender to vend at same location more than 14 consecutive days.** "Same location\ one location" shall mean a property or group of contiguous or noncontiguous properties, whether or not under common ownership, which are under a common street address, both as to house or building number and street name. (Intent: Reduce appearance of "permanent" vending at any location, and end the practice of roll-over of permits. The one year limitation has been back- doored when a vendor who has exceeded the time limitation at a location has a family member, etc., file for a new license and continues vending at same location under the new license.)

Note: *Review permit fee schedule to adjust from 45-day fee to 14- day fee.*

**Enforcement:** Penalties found to be sufficient if enforcement occurs. However enforcement problems exist due to:

- Insufficient APD Permits enforcement and Zoning enforcement staff have resulted in inconsistent attention to enforcement of laws pertaining to outdoor private property vending

**Notification:**

- *Zoning Permits to notify district councilperson and effected NPU upon receipt of vending application. Copy of required cite plan shall be available upon request.*

**Cite Plan:**

- In addition to recommended additions to site, a picture depicting correct standards will be included with application and will be included in the site plan to be on display at all times.

**Miscellaneous Recommendation:**

Review the interpretation recently given to APD Permits regarding the definition of the phrase "one year" in the existing vending law. Vending currently restricts the same vendor to only one year at any single location. However, a recent legal interpretation stated that "one year" is 365 continuous days and not a calendar year. As a result of this interpretation, in several documented instances the same outdoor private property vendors have been at the same locations for several years because Permits is unable to establish that their time at the same location has exceeded 365 continuous days. This may go against the intent behind the time limitation passed by Council two years ago. A review of this situation is important because any new laws and standards will not be retroactive.

## **Addendum A.**

### **Long and Short Term Recommendations to Address Private Property Vending in the City of Atlanta**

Incorporated within our recommendations are additional comments to be considered to *stimulate meaningful dialog and encourage movement* towards taking serious, effective steps towards truly helping vendors become permanent business owners.

#### Short term possibilities:

- Divert taxes collected from outdoor private vendors and place them into a fund whereby vendors can apply for micro loans and/or receive grants to transfer their operation into a fixed location, i.e. a storefront, or improve their existing operation by upgrading their equipment.
- Enter into an agreement with known hardware merchants (Home Depot, Loews, Ace) whereby those private vendors who are in compliance with the laws (appearance, payment of taxes, valid license, etc.) receive a discount, as agreed upon by all parties involved, on goods needed to maintain operation (canopy, tables, etc.).
- Provide classes and/or seminars to educate private property vendors on improving their business, raising capital, marketing, or any other skill possibly lacking which is impeding their ability to move beyond private property vending.

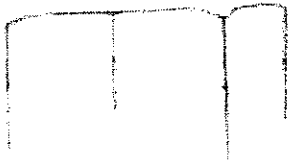
#### Long term possibilities :

- Create open air markets designated for outdoor private property vendors. Markets should reflect the culture, aesthetics, and needs of the community and vendors.
- Provide incentives for transferring operations to designated sites.
- Provide notice to the public to build clientele and show support for emerging small businesses.
- Create a program by which private property vendors, who desire to establish their business in economically emerging communities, can become eligible for federal, state, or local funding so they may continue to serve said community and make the formal transition into a fixed location. The office of economic development could partner with the Small Business Administration (SBA) to facilitate this potential program.

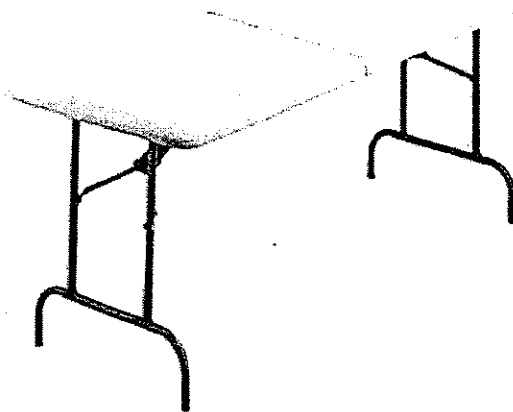
## Addendum B

A picture and size specifications of the required vending equipment is to be part of the site plan.

Canopy size: 10x10 maximum - Color: White  
(no writing)



Examples Only



Size: Not to exceed 4x 8

## **Addendum C**

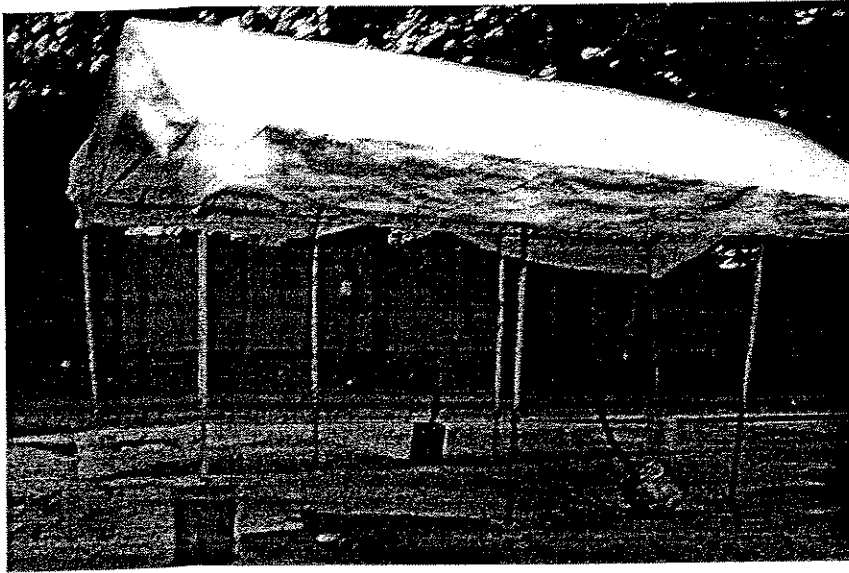
Reference sources:

Cleveland, Pittsburgh, Miami, Fulton County, New Orleans

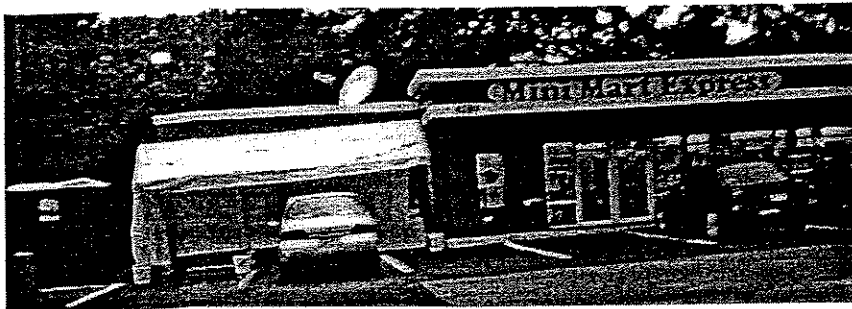


### Addendum D

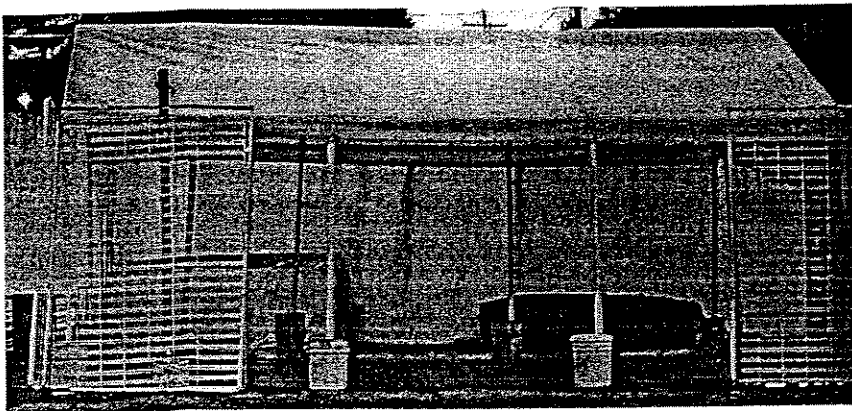
Vending Activity Throughout 2003-2004 on Campbellton Rd. From Ft. McPherson to Fairburn Rd.



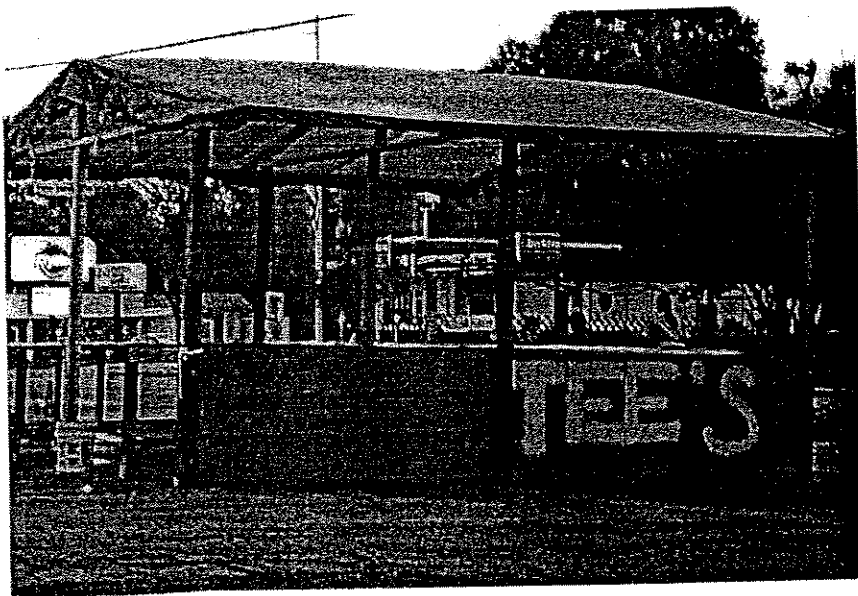
#1



#2



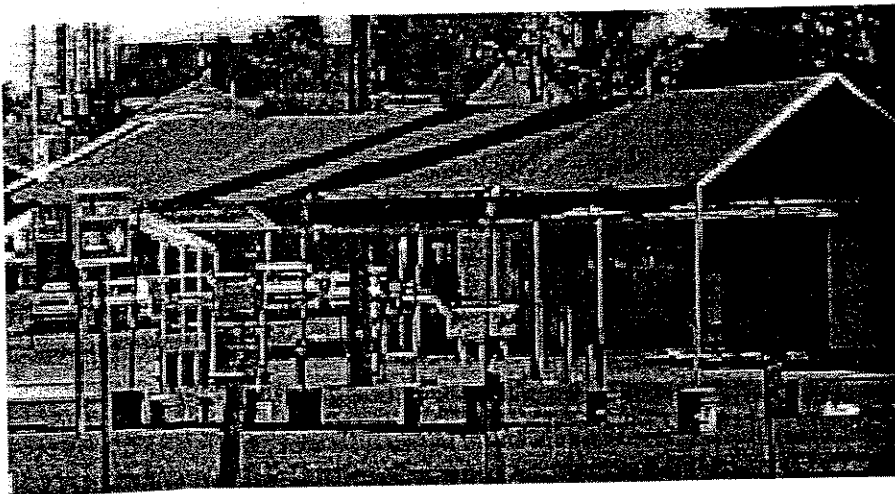
#3



#4

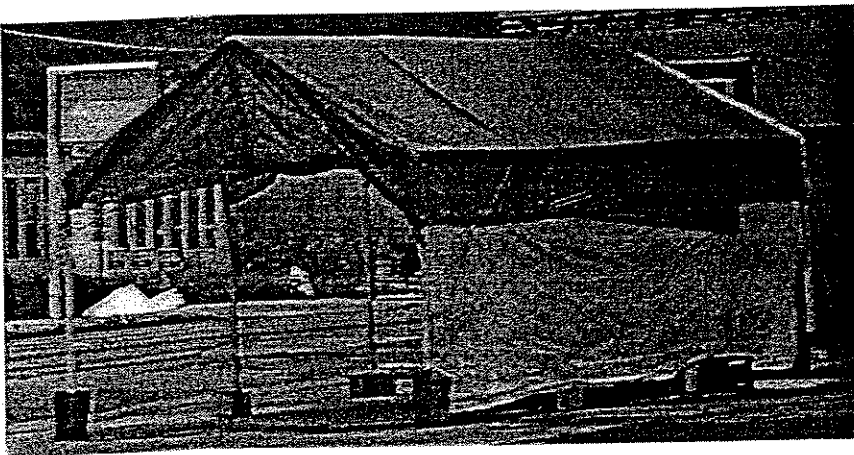


#5 (directly across from #4)





Greenbriar & Headland



Entered - 7/25/05 - sb  
CL- 05L0571 - Angelena Kelly

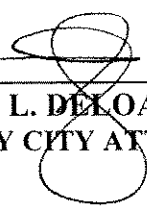
06-R-0433

Claim of: Robert Colgin  
3340 Chatham Road NW  
Atlanta, GA 30305

For damages alleged to have been sustained as a result of  
flooding on July 9, 2005 at 3340 Chatham Road NW.

THIS ADVERSED REPORT IS APPROVED

BY: \_\_\_\_\_

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 2/14/06

CHAIR: Chela Anglin

Carla Smith

John Lee

James M. Shepherd

\_\_\_\_\_

\_\_\_\_\_

2-20-2006

Refer to Public Safety & Legal Administration

Date: 2/28/06 Hold (Muller)

G-2

Entered 01/25/06 sb  
CL 06L0051 - LISA CARTER

06-R-0633

CLAIM OF: GREGORY V. BURSON, JR.  
183 Haygood Avenue, SE  
Atlanta, Georgia 30315

For damages alleged to have been sustained as a  
result of striking an open construction cut on  
January 18, 2006 at 832 Pryor Street, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY:

  
JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

## ADVERSE REPORT


PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/14/06

CHAIR: Carla Hester






Carla Hester







Held (at the  
request of  
Councilmember Smith)

Entered 9-29-05 sb  
CL 05L0788 GWENDOLYN BURNS

06- R-0747

**CLAIM OF: WALTER D. BRANCH**  
3517 Lynfield Drive  
Atlanta, Georgia 30311

For property damages alleged to have been  
sustained due to a sewer backup on July 13, 2005 at  
3517 Lynfield Drive, SW.

THIS ADVERSED REPORT IS  
APPROVED

BY: \_\_\_\_\_

  
**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 3/28/06

CHAIR: \_\_\_\_\_

→ Held (Martin)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G-4



ATLANTA CITY COUNCIL

CLAIR M. MULLER  
COUNCILMEMBER, DISTRICT 8

MAR 28 2006

Bag

MURPHY CLERK  
55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
ATLANTA, GEORGIA 30303  
(404) 330-6030

March 21, 2006

06-C-0791

President Lisa Borders and  
Members of Atlanta City Council  
City Hall, Suite 2900 South  
68 Mitchell St., S.W.  
Atlanta, Georgia 30303

**RE: Public Safety and Judicial Facilities Authority Reappointment**

Dear President Lisa Borders and Members of the Council:

The "paired" Councilmembers Natalyn Archibong, Anne Fauver, Howard Shook, Clair Muller, and Mary Norwood are pleased to submit Mr. Abe Schear for appointment to the Public Safety and Judicial Facilities Authority in the Districts 5, 6, 7, 8 and Post 2 At-Large Category for the City of Atlanta. This appointment is for a **term of four (4) years**.

We are confident that Mr. Schear will serve the Public Safety and Judicial Authority with integrity and dedication.

Sincerely,

*Natalyn M. Archibong*

Natalyn Archibong, District 5

*Anne Fauver*

Anne Fauver, District 6

*Howard Shook*

Howard Shook, District 7

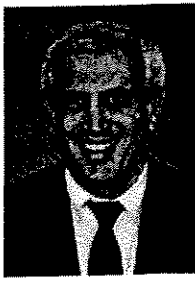
*Clair Muller*

Clair Muller, District 8

*Mary Norwood*

Mary Norwood, Post 2 At Large

G-5



## **Abe J. Schear**

**Partner**

404.873.8752 direct

404.873.8753 fax

abe.schear@agg.com



Abe J. Schear has extensive experience in lease drafting and negotiations both from the landlord and tenant perspective. He has represented numerous large developers in their lease negotiations, including anchor and in-line retail space as well as leases for office and industrial properties. He represents a number of national retail tenants and landlords, negotiating leases in mixed use projects, enclosed malls, lifestyle centers, family centers and other specialized projects.

Mr. Schear has participated on numerous seminar panels. In particular, he routinely speaks at local and national ICSC, NAIOP, IFA and State Bar of Georgia functions. He was a mayoral appointee to the Atlanta Urban Design Commission and to the Vending Review Board.

Mr. Schear is Chair of Arnall Golden Gregory's Commercial Real Estate/Leasing Practice Team. He is also the Chair of Arnall Golden Gregory's Israel Team. He was named a "Georgia Super Lawyer" by *Atlanta Magazine* from 2004 through 2006 for his work in Real Estate.

An avid baseball fan, Mr. Schear publishes a periodic baseball newsletter that is sent to clients and friends. Click here to view previous issues of the **AGG Baseball Digest**.

### **Professional Activities**

State Bar of Georgia  
International Council of Shopping Centers (ICSC) - ICSC Law Committee Member  
National Association of Industrial and Office Professionals (NAIOP)  
Atlanta Urban Design Commission  
International Franchise Association  
Editorial Board, *Shopping Center Business Magazine*  
Editorial Advisory Board, *Atlanta Property News*  
Selection, "Georgia Super Lawyers", *Atlanta Magazine*, 2004, 2005 & 2006

### **Education**

B.A., Emory University, 1973  
J.D., Emory University, 1976

### **Admitted to Practice**

State of Georgia, 1976  
State of Ohio, 1976

### **Additional Information**



## *Publications*

Author, "Updating A Lease: Why Do It And How Often," Shopping Center Business, September 2005.

Author, "Leasing Concerns When Mixing Uses," Southeast Real Estate Business, May 2005.

Co-author, "What Tenants Don't Know About Mixed-Use Can Prove Costly," National Real Estate Investor, June 2004.

Author, "Using Kick-Out Clauses to Your Advantage," Southeast Real Estate Business, May 2004.

Co-author, "Assignment vs. Sublease," Southeast Real Estate Business, February 2004.

Author, "The Guaranty," Franchising World, January/February 2004.

Co-author, "Assignment vs. Subletting: Do You Care Which One You Use (or Why)?," Square Ft., April 2002.

Co-author, "Restrictive Lease Clauses and the Exclusion of Discounters from Regional Shopping Centers," Emory Law Journal, 1976.